

CHAPTER 40
POLICY FOR NUTRIENT ENRICHED WATERS

9 VAC 25-40-10. Purpose.

This policy provides for the control of discharges of nutrients from point sources affecting state waters that have been designated "nutrient enriched waters" in 9 VAC 25260-350.

9 VAC 25-40-20. Authority.

The Board has adopted this policy under the authority of §§ 62.1-44.15(3), 62.144.15(10) and 62.1-44.15(14) of the Code of Virginia.

9 VAC 25-40-30. Strategy for "nutrient enriched waters".

As specified here, the board shall reopen the NPDES permits of certain point source dischargers to "nutrient enriched waters" and shall impose effluent limitations on nutrients in the discharges authorized by those permits and certain new permits.

A. All dischargers authorized by NPDES permits issued on or before July 1, 1988, to discharge 1 MGD or more to "nutrient enriched waters" shall be required to meet a monthly average total phosphorus effluent limitation of 2 mg/l as quickly as possible and in any event within 3 years following modification of the NPDES permit.

At the time of modification of the NPDES permit, any discharger who voluntarily accepts a permit to require installation and operation of nitrogen removal facilities to meet a monthly average total nitrogen effluent limitation of 10 mg/l for the months of April through October shall be allowed an additional year to meet the phosphorus effluent limitation in 9 VAC 25-40-30 A.

B. All new source dischargers as defined in 9 VAC 25-30-10 with a permit issued after July 1, 1988 and a design flow greater than or equal to 0.05 MGD who propose to discharge to "nutrient enriched waters" shall be required to meet a monthly average total phosphorus effluent limitation of 2 mg/l.

C. This policy shall not be construed to relax any effluent limitation concerning a nutrient that is imposed under any other requirement of state or federal law. No time extensions outlined in 9 VAC 25-40-30 A for installation and operation of nitrogen removal facilities shall be granted to a discharger if such an effluent limitation or a time extension is already imposed under any other requirement of state or federal law or regulation.

9 VAC 25-40-40. Permit Amendments.

Whenever the board determines that a permittee has the potential for discharging monthly average total phosphorus concentrations greater than or equal to 2 mg/l or monthly average total nitrogen concentrations greater than or equal to 10 mg/l to

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"nutrient enriched waters," the board may reopen the NPDES permit to impose monitoring requirements for nutrients in the discharge.

9 VAC 25-40-50. Possibility of further limitations.

The board anticipates that, following implementation of the foregoing requirements and evaluation of effects of this policy and of the results of the non-point source control programs, further limitations on discharges of phosphorus or of other nutrients may be necessary to control undesirable growths of aquatic plants.

9 VAC 25-40-60. Other State Petitions.

The Board may entertain petitions from adjoining states to consider rulemakings to control nutrients entering tributaries to "nutrient enriched waters" of the adjoining state.

Statutory Authority

§ 62.1-44.15(10) of the Code of Virginia

Historical Notes

Derived from §6; eff. May 25, 1988